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1 JUN 1978

Honorable Birch Bayh, Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We have been in contact with your Committee Staff Director, Mr. William Miller, to discuss our concerns with certain provisions in S. 3076, the "Foreign Relations Authorization Act, Fiscal Year 1979," which recently was ordered reported by the Foreign Relations Committee. Mr. Miller has requested that we submit the Director's views formally to your Committee.

Our concerns relate to section 119 of S. 3076, which would amend the so-called "Role of the Ambassador Legislation" (22 U.S.C. 2680a), and to Title V of S. 3076, which would amend the so-called "Case/Zablocki Act" (1 U.S.C. 112b).

Section 119 of the Senate bill, concerning the Role of the Ambassador Legislation, would amend 22 U.S.C. 2680a by adding the following language to paragraph (3) between the words "country" and "shall": "notwithstanding any other provision of law." This amendment is of concern to us because of its potential construction as superseding the statutory authority of the Director of Central Intelligence to protect intelligence sources and methods against unauthorized disclosure (section 102(d)(3) of the National Security Act of 1947, as amended, 50 U.S.C. 403).

The amendment in section 119 would leave intact the present prefatory language to 22 U.S.C. 2680a: "Under the direction of the President--" In our view, this language provides the appropriate statutory formula reflecting the respective responsibilities, in terms of our interests for example, of the Director of Central Intelligence and the Secretary of State. Addition of the phrase "notwithstanding any other provision of law" could be construed as a statutory supersession of the Director's authority cited above. In our view, this is both unnecessary and inappropriate, and we would oppose inclusion of this language in the legislation.

Sections 501 and 502 of S. 3076, concerning the determination and reporting of "international agreements" pursuant to the Case/Zablocki Act, would, among other things, amend 1 U.S.C. 112b by providing as follows: